

JOE WARDY
MAYOR

JOYCE WILSON
CITY MANAGER



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

PRESI ORTEGA, JR.
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING COUNCIL CHAMBERS MAY 3, 2005 9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:05 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Presi Ortega, Jr., Paul J. Escobar, and Vivian Rojas. Absent: None. Late arrival: Anthony W. Cobos at 9:12 a.m. The invocation was given by Reverend Lisle H. Davis, followed by the Pledge of Allegiance to the Flag of the United States of America.

MAYOR'S PROCLAMATIONS

1. **NATIONAL POLICE WEEK AND PEACE OFFICERS MEMORIAL DAY**
2. **SMALL BUSINESS WEEK**
3. **NATIONAL PET WEEK**

Item: Border Children's Mental Health Collaborative requests that the City of El Paso call attention to the mental health needs of the children, youth and adults by officially recognizing the launch of the Bach's "Shout Out Silence!" campaign. [Lisa Tamaqua, BCMHC Project Director]

Ms. Lisa Tamaqua, BCMHC Project Director, commented.

The following members of the public commented:

1. Mr. Leo DiValentino, BCMHC and MHMR Board Member
2. Ms. Cindy Olvera
3. Mr. Josh Muñoz
4. Mr. Norma Olivas
5. Ms. Stephanie Mielkelinos, Family Service of El Paso, Post Adoption Program representative

Mayor Joe Wardy and Representative Austin commented.

Ms. Lisa A. Elizondo, City Attorney, commented.

Motion made by Representative Cushing, seconded by Representative Austin and unanimously carried for the City to officially recognize the Border Children's Mental Health Collaborative "Shout Out Silence!" campaign.

NO ACTION WAS TAKEN regarding the following item: To discuss the outcome of the Stevens Street improvements and the feasibility to “Grandfather” City property adjacent to the L&J Café, to also include a portion of Missouri Street. [Leo Duran]

Mr. Leo Duran, citizen, displayed photographs of the affected area and made comments. He responded to questions and/or comments of the Council Members.

Mayor Joe Wardy and Representatives Cobos, Escobar, Austin, Lozano and Ortega commented.

Mr. Daryl Cole, Street Director, commented.

The following members of the public commented:

1. Mr. Bob Geyer, County of El Paso staff member
2. Mr. Bernie Sargeant, Concordia Heritage Association member

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the **CONSENT AGENDA** unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the **MINUTES** for the Regular City Council Meeting of April 26, 2005.

Representatives Lozano and Rojas were not present for the vote.

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***RESOLUTION**

WHEREAS, the CITY previously engaged the CONSULTANT to complete a strategic plan for the CITY’s Arts and Culture Department (“Department”). The CONSULTANT has completed the Plan, but the CITY has not implemented said Plan; and

WHEREAS, the CITY intends to engage the CONSULTANT to assist staff with the implementation of key components of the Plan; and

WHEREAS, the CONSULTANT is well qualified and willing to provide such services for the benefit of the CITY; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Service Contract between the City of El Paso and Eduardo Diaz to provide assistance with the implementation of the City of El Paso’s Arts and Culture Department’s Strategic Agency Plan, for a fee in the amount of \$20,000.00

NOTE: Attachment “A” was revised.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Building and Planning Services Department be authorized to continue to negotiate the terms of an Agreement between the City of El Paso and the State of Texas, acting through the Texas Department of Transportation, for installation of a traffic signal at US 85 (Paisano Drive) at Ruhlen Court and that the City Manager be authorized, under the provisions of Charter section 3.3 C(1)(b), to sign the Agreement once negotiations are complete provided that the cost for the project does not exceed the estimated cost of \$200,000.00. The costs will be shared equally between the State and the City; however, under no circumstances will the State's share of the costs exceed \$100,000.00.

NOTE: Resolution language was revised from "Rule Court" to "Ruhlen Court".

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Memorandum of Agreement between the CITY OF EL PASO and F. DOUGLAS MEHLE AND LAURA G. MEHLE for the purchase of

Parcel 7—5,104 square feet, more or less, being a portion of Lot 13, Block 7, of Hueco View Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Plat Records of El Paso County, Texas.

to be used for the Lee Boulevard Extension Project.

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***RESOLUTION**

WHEREAS, on March 12, 1991, the City of El Paso (City) accepted the terms and conditions of Minute Order No. 91219 as it related to the relocation and designation of a portion of state Highway Loop 375 to a new location from State Highway 20, approximately 0.47 miles north of Borderland Road to State Highway 375, approximately 0.13 miles west of Interstate Highway 10, a distance of approximately 1.2 miles; and,

WHEREAS, the relocation was necessary because the expansion of State Highway Loop 375 as originally proposed was too difficult and costly due to the narrow right of way and extensive existing development; and,

WHEREAS, Minute Order No. 91219 designated the responsibilities of both the State and the City, specifically that the State provide ninety percent of the cost of eligible utility adjustments, designate the section as a State Highway Loop, and provide for relocation assistance; while the City was responsible for one hundred percent of the right of way clear of obstructions and ten percent of the cost eligible utility adjustments, and was responsible to maintain that section in accordance with any existing maintenance agreements; and,

WHEREAS, the Texas Transportation Department (TXDOT) wants Minute Order No. 91219 to be voided and a new Minute Order be approved which will provide alternative funding for the right of way acquisitions in order to accelerate the new roadway construction; and,

WHEREAS, the new minute order would reduce the City's financial responsibility from a hundred percent match to a ten percent match of Right of Way and eligible utility adjustment costs; and,

WHEREAS, the new Minute Order would return Talbot Road to the City' jurisdiction with maintenance in accordance with existing maintenance agreements; and,

WHEREAS, the Texas Transportation Department (TXDOT) requested that the City provide a resolution in support of voiding Minute Order No. 91219,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City of El Paso supports voiding Minute Order No. 91219 for the purposes of having the State adopt a new Minute Order which would reduce the City's financial responsibility from a hundred percent match to a ten percent match of Right of Way and eligible utility adjustment costs and accelerate the new roadway construction. The new Minute Order would be subject to any appropriate agreements being prepared between the City of El Paso and TXDOT.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Architectural Services between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.** for a project known as "**Fire Station No. 34**" for an amount not to exceed One Hundred Thirty Thousand Five Hundred and No/100 Dollars (\$130,500.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Agreement for Engineering Services between the **CITY OF EL PASO** and **PARKHILL, SMITH & COOPER, INC.** for a project known as "**Closure of Clint Landfill Permit 1482**" for an amount not to exceed One Hundred Nineteen Thousand One Hundred Ninety-Two and No/100 Dollars (\$119,192.00.00).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a First Amendment to an Agreement for Engineering Services by and between the **CITY OF EL PASO** and **MORENO CARDENAS, INC.**, for a project known as "**Transportation Improvement Program Roadway Construction Projects-Lee Boulevard Phase II (Roadway Widening)**" in an amount not to exceed FIFTY-SEVEN THOUSAND and NO/100 DOLLARS (\$57,000.00)

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***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Contract for Power Service and Agreement for Thermal Energy Storage Rider Service to the El Paso Electric Company to provide electrical service to the Animal Shelter Facility located at 5001 Fred Wilson Road, El Paso, Texas.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Underground Electrical Easement to the El Paso Electric Company on Lot 1, Block 1, Butterfield Trail Aviation Park Unit 1, El Paso County, Texas to provide electrical service to the new electrical vault located at 101 George Perry.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign an Overhead/Underground Electrical Easement to the El Paso Electric Company on Tract 2G9, E.L. De Shazo Survey #218, El Paso, Texas, to provide electrical service.

***R E S O L U T I O N**

WHEREAS, the Burlington Northern and Santa Fe Railroad Company (BNSF) owns and operates a line of railroad in and through El Paso, Texas, and

WHEREAS, the City of El Paso desires to reconstruct the existing Santa Fe Street at-grade crossing within its existing edge of-road limits, and

WHEREAS, BNSF and the State of Texas Department of Transportation will be installing active warning devices consisting of mast flashing lights with gates at the Santa Fe Street Crossing, under a separate agreement,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Construction and Maintenance Agreement For Roadway Reconstruction & Grade Crossing Signal and Surface Installation within Existing Roadway Easement/Right of Way between The Burlington Northern and Santa Fe Railroad Company and the City of El Paso for the intersection of Santa Fe Street and the Railroad property.

***R E S O L U T I O N**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager is authorized to sign a Letter of Agreement, and any related documentation, with the El Paso Electric Company to provide for the installation of underground electrical service to the pump at the Vista del Sol Park, located at 1920 Trawood Drive, El Paso, El Paso County, Texas. Said electrical service shall consist of an underground system consisting of a 277/480 volt, three phase, four wire. One (1) 75KVA transformer will be installed to service the electrical load.

***R E S O L U T I O N**

WHEREAS, the City of El Paso have previously contracted the Border TM Industries, Inc., an employment corporation for individuals with mental disabilities, to provide services to the citizens of the City of El Paso; and

WHEREAS, Texas Industries for the Blind and Handicapped, a private non-profit corporation and certifying party, is responsible for coordinating programs for the visually impaired and handicapped; and

WHEREAS, the CITY has a need for parksite maintenance in various parks within the city limits; and

WHEREAS, Border TM Industries, Inc. and Texas Industries for the Blind and Handicapped are able to provide parksite maintenance for the mutual benefit of its clients and the City of El Paso; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Parksite Maintenance Contract between the City of El Paso, Texas Industries for the Blind and Handicapped and Border TM, Industries, Inc., to provide for parksite maintenance services for the City's Parks and Recreation Department.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Manager be authorized to sign a Second Amendment to an Agreement for Architectural Services by and between the **CITY OF EL PASO** and **PARKHILL SMITH AND COOPER INC.** for a project known as "**Northeast Regional Park-Design and Construction Phase**)" to include a soccer field in an amount not to exceed TEN THOUSAND ONE HUNDRED AND TEN and NO/100 DOLLARS (\$10,110.00) (District No. 4). The City Manager hereby authorized to execute any necessary budget transfers to accomplish the intent of this Resolution.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign and accept Grant Award Cooperative Agreement #I5PSWP574Z in the amount of \$1,866,198.00 relating to a federal grant to the Police Department from the Office of National Drug Control Policy, to support all of the West Texas HIDTA Task Force Initiatives with the Police Department; and that the Mayor be authorized to sign and submit documents to extend the grant-ending dates as they may become necessary in order to carry out the grant or any of the individual task forces under this grant and any supplements to the grant award to increase or decrease the amount of the award provided that the grant documents carry agreement number I5PSWP574Z and that no City funding is required. No matching funds are required.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit a grant application from the El Paso Police Department and the City Manager or her designee be designated as the grantee's authorized official. That the City Manager or her designee be authorized to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter or terminate the grant, authorize budget transfers and submit any necessary revisions to the operational plan. That the City Manager or her designee be designated in the agreement; and that the City Manager or her designee be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or de-obligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. The grant is from the Automobile Theft Prevention Authority, for an

Automobile Theft Prevention Grant in the amount of \$898,044 for the purpose of continuing efforts of the Department in reducing auto theft in El Paso City and County. An in-kind match in the amount of \$997,103 (General Fund-account number 21010071) is required. The total amount of grant is \$1,895,147.

*R E S O L U T I O N

WHEREAS, the Development Corporation Act of 1979, Art. 5190.6, Texas Revised Civil Statutes, as amended, authorizes the creation of non-profit, non-member, non-stock corporations to act on behalf of political subdivisions of the State of Texas for the promotion of industrial development; and

WHEREAS, on August 28, 1979, the City Council of the City of El Paso, Texas, approved the creation of the City of El Paso Industrial Development Authority, Incorporated; and

WHEREAS, Article VII of the Articles of Incorporation, as amended effective December 21, 1993, vests powers of the Corporation in a Board of Directors, who are appointed by written resolution of the governing body of the City of El Paso, Texas.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That Nicolas Vilardell be appointed to the Board of Directors of the Industrial Development Authority, Incorporated, effective as of the date hereof, on behalf of Representative District 2.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the following provisional appointments in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A.** Automotive Technician II (2)
Fund Source: 37370155-45202-37000
- B.** Building Maintenance Worker I (1)
Fund Source: 31010326-01101-31001
- C.** Cashier Clerk (1)
Fund Source: 60600001-40345-60000
- D.** Clerk Typist II (1)
Fund Source: 11010011-502001-01101

Representatives Lozano and Rojas were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **RE-APPOINT** Walt Phillips to the Fair Housing Task Force by Representative John F. Cook, District 4.

Representatives Lozano and Rojas were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the board appointment of Daniel De La Haye to the Historic Landmark Commission by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the board appointment of Bobby Van McKnight to the Arts and Culture Advisory Board by Representative Paul J. Escobar, District 6.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Julius Lowenberg to the Building and Standards Commission by Mayor Joe Wardy.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Jimmy L. Stevens to the Building and Standards Commission by Representative Susan Austin, District 1.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Jim Martin to the Building and Standards Commission, as an alternate appointee, by Representative Susan Austin, District 1.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Nicolas Vilardell to the Arts & Culture Advisory Board by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Alvin L. Harris to the Ethics Review Commission by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** John E. Estle to the Committee on Border Relations by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

NOTE: Language was revised from "Commission" to "Committee".

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Michael Shoffit to the Greater El Paso, Civic, Convention and Tourism Advisory Board by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Bill Schlesinger to the Mayor's Advisory Board on Aging by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Julie Rutledge to the City-County Animal Shelter Advisory Committee by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Frederic Dalbin to the Building and Standards Commission, as an alternate appointee, by Representative John F. Cook, District 4.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** installation, power, and maintenance of residential street light at the following location:

Between 10010 & 10004 Chinaberry Dr. Cost: \$899.00
Dept. ID #01153010, Acct. #504420, Fund #16507

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the following tax refunds be **APPROVED**:

- A. Sierra Title Company in the amount of \$3,519.76 overpayment of 2004 taxes.
(PID #C815-999-0010-4400)
- B. Wells Fargo Real Estate Tax Services in the amount of \$4,020.60 overpayment of 2004 taxes.
(PID #F609-999-0020-0700)
- C. Debora & Robert Moore in the amount of \$13,892.15 overpayment of 2004 taxes.
(PID #M480-999-0010-0400)
- D. First American Real Estate Tax Service in the amount of \$2,889.17 overpayment of 2004 taxes.
(PID #P863-999-0320-2700)
- E. Wells Fargo Real Estate Tax Services in the amount of \$3,049.05 overpayment of 2004 taxes.
(PID #T213-999-0020-1400)
- F. Southwest Charter Lines, Inc. in the amount of \$10,154.22 overpayment of 2004 taxes.
(PID #V893-999-113A-8100)
- G. Data Trace in the amount of \$3,313.45 overpayment of 2002 & 2003 taxes.
(PID #V893-999-2150-2300)

Representatives Lozano and Rojas were not present for the vote.

NOTE: Language was revised.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the request to allocate \$3,000.00 from District #8 discretionary funds for the purchase of a water meter for the "Chihuahueta Community Garden" that will be built on the land that was transferred over to the City of El Paso by the Public Service Board on April 13, 2005.

Representatives Lozano and Rojas were not present for the vote.
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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request for a budget transfer in the amount of \$8,000 to the Parks and Recreation Department to enhance the four (4) Summer Camp Programs in District #2 (Nolan Richardson Recreation Center \$2,000; Sacramento Senior Citizen Center \$2,000; Nations Tobin Recreation Center \$2,000; and the Friendly Senior Citizen Center \$2,000). Funds to be allocated from District #2 Discretionary Funds--Dept. ID# 01153003; Acct. #504420; Project #PD20423; Fund #16502; Class #01001.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **APPROVE** authorization to transfer \$5,000 from District 6 Council Special Projects (discretionary funds) to Parks and Recreation Department, for use in connection with Teens in Action co-sponsored youth summer recreational programs at Pavo Real Recreation Center.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AUTHORIZE** to expend an amount not to exceed \$7,000 from the District 6 Special Projects (discretionary funds) to fund the implementation of any traffic management project as determined to be appropriate by city staff in accordance with and pursuant to the City's Guidelines for the Implementation of a Neighborhood Traffic Management Program on Morgan Marie Drive.

Representatives Lozano and Rojas were not present for the vote.

NOTE: Language on request was revised.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request that the Director of Purchasing be authorized to issue a Purchase Order to Intergraph Public Safety in the amount of \$93,400.00. Intergraph Public Safety is the sole provider of Intergraph Public Safety Software. This Purchase Order will cover the cost for converting and importing data from the Police Department's old records management system to the new Records Management System (which is shared with the County), provide for the creation of a computer interface that will import citation and field interview information into the new Records Management System, and also purchase software that will allow the City's current map to be imported into the new Records Management System. Intergraph Public Safety Software is a proprietary software application developed and offered exclusively by Intergraph Public Safety. This is a sole source procurement as defined under Section 252.022 of the Local Government Code.

Additional, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the City Manager be authorized to execute any related contract documents and agreements necessary during the contract.

Award amount is \$93,400.00

Funds available in: 21150010-05359-508010 Project G210416

Funding Source: 2003 LLEBG Block Grant – RMS enhancement.

Department: Public Safety Technology

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** Change Order No. Five (Construction Change) to Vistacon, Inc. for Contract No. 2004-091, Memorial Park Improvements and Indoor Pool project for an increased amount of \$97,963.00. Change Order adds fourteen (14) days to the contract time. The purpose of this change order is to construct a new concession area, per Parks and Recreation Department request. The revised scheduled completion date is September 20, 2005.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded Representative Cushing and unanimously carried to **APPROVE** Change Order No. Nine (Construction Change) to Byrne/Arrow Joint Venture for Contract No. 2004-015, Plaza Theatre Restoration & Expansion project for an increased amount of \$400,000.00. This Change Order will not increase contract time. It is requested that the City Manager and City staff be authorized to execute budget transfers for this change order, as necessary.

The purpose of this change order is to perform modifications and upgrades to the Children's Theatre Multi-Purpose Facility, Roof-Top Garden, and Catering Kitchen. This will include wall partitions, wall and ceiling finishes, theatrical equipment, lighting, theatre seats, carpeting, electrical, and plumbing. These changes and upgrades will be funded solely by the El Paso Community Foundation.

Representatives Lozano and Cobos were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-069 Janitorial Services for Chelio Acosta (Delta) Recreation Center

Award to: Total Cleaning Services
El Paso, TX
Item (s): 1 & 2
Amount: \$31,582.80 (estimated yearly)

Department: Parks & Recreation
Funds available: 51010256-01101-502206 & 51010256-16302-502206
Funding source: Operating Accounts and User Fees,
Maintenance Chelio Acosta (Delta) Recreation Center
Total award: \$94,748.40 (estimated)

Parks & Recreation, Center Staff, and Purchasing recommend award as indicated, Total Cleaning Services provided and meets the Best Value Criteria.

This is a thirty-six month contract with no option to renew, Total Cleaning Services offers a 3%-10 Day prompt payment discount.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AWARD** Best Value Procurement Solicitation No. 2005-148 Speed Monitoring Trailers (Re-Bid)

Award to: Decatur Electronics, Inc.
Decatur, Illinois
Item (s): Speed Monitoring Trailers, 5 each @ \$11,695.00
Amount: \$58,475.00

Department: Police
Funds available: 21150060-508007-16371-P50031
Funding source: Federal Confiscated Drug Funds
Total award: \$58,475.00

The Police and Purchasing Departments recommend award to Decatur Electronics, Inc., as indicated, as this vendor has provided the Best Value Bid. Five lower bids were received, but did not meet specifications as noted in the backup.

This is a best value single (one-time) purchase, to purchase Speed Monitoring Trailers as required by the El Paso Police Department. An option is offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one-hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-151 Security Guard Services for Municipal Service Center Complex

Award to: Initial Security
El Paso, TX
Item (s): 1A & 1B
Amount: \$131,355.00 (estimated yearly)

Department: Fleet Services-Maintenance Service
Funds available: 31010326-01101-502206
Funding source: Operating Account, Fleet Services-Maintenance Service Contracts Janitorial
Total award: \$394,065.00 (estimated)

Fleet Services, and Purchasing recommend award as indicated in the bid tabulation. Initial Security was the lowest responsive bidder and offered the best value factoring in the prompt payment discount of 10% 10 Days.

This is a thirty-six (36) month contract with the bidder offering the option to extend the term of this contract for two additional years. In addition, Initial Security offers 10% 10 Days Prompt Payment Discount.

Representatives Lozano and Cushing were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-176 Lower Valley Branch Library Furniture

Award to: El Paso Automated Office & Industrial Systems, Inc.
El Paso, Texas
Item (s): Group I: Items LC4, LC5, CA1, CFT, CPU,
SD2, BT1, AND PICT. (\$ 27,158.28)
Group I Alternate: Item LIFT1, (\$ 12,606.40)
Group II: All items with the exception to reduce
item SOR3H quantity from four (4) to two (2). (\$102,457.18)
(All award items include delivery and installation)
Amount: \$142,221.86

Department: Library
Funds available: 31130562-508009-60004-PPW0056006YR2
Funding source: FY2000 Quality of Life Project
General Obligation Bonds
Total award: \$142,221.86

The Library and Purchasing Departments recommend award to El Paso Automated Office & Industrial Systems Inc., as indicated, as this vendor has provided the Best Value Bid. This vendor is the sole responsive offer received for the items recommended for award. One other bid was received, but provided "No Bid" for the recommended items.

This is a best value single (one-time) purchase, to purchase Lower Valley Branch Library Furniture as required by the El Paso Library Department. An option is offered to purchase up to one-hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. No prompt payment discount is offered.

Request that council reject all bid items not listed for award. List of rejected bid items are in the backup material.

Representatives Lozano and Cushing were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Best Value Procurement Solicitation No. 2005-189 Citywide HVAC Replacement

Award to: Expert Investments/dba Expert Refrigeration
El Paso, Texas
Item (s): All
Amount: \$25,580.60

Department: Fleet Services
Funds available: 508027-27123-31135001-P504545
Funding source: CO98A Projects
Total award: \$25,580.60

The Fleet Services, and Purchasing Departments recommend award as indicated to Bidder offering the Best Value Bid.

This is a fixed-price, single (one-time) purchase, to replace heating and air conditioning units at various City facilities. There is an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within sixty (60) days from the date of award of the contract. No prompt payment discount was offered.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-122 Grounds Maintenance-City Facilities

Award to: Mario Gonzalez Landscaping
El Paso, TX
Item (s): All
Amount: \$36,480.00 (estimated yearly)

Department: Fleet Services
Funds available: 31010326-01101-502221
Funding source: Operating Account, Groundkeeping/
Horticultural Contracts
Total award: \$109,440.00 (estimated)

Fleet Services Department and Purchasing recommend award as indicated as this vendor is the low responsive bidder.

This is a thirty-six (36) month contract with the option to extend the term for one (1) additional year. In addition, Mario Gonzalez Landscaping offers a 5% 10 Days prompt payment discount.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-161 Aluminum Sign Blank

Award to: Vulcan Aluminum
Foley, AL
Item (s): #2 thru #12
Amount: \$100,951.70 (estimated annually)

Department: Street
Funds available: 32010287-503203-01101
Funding source: Street Department Operating Funds
Total award: \$201,903.40 (estimated)

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor did not bid on item #1 and will not be awarded.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-166 Spanish Language Library Materials

Award to: Lectorum Publications Inc.
New York, NY
Item (s): 1A thru 1F (all)
Amount: \$75,000.00 (estimated annually)

Department: El Paso Public Library
Funds available: 31130563-508039-PPW0056003YR2-6005
Funding source: Library Materials-2000 Election Bond Funds
Total award: \$225,000.00 (estimated)

The El Paso Public Library and Purchasing Departments recommend award as indicated to the sole responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) additional year if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six months.

Representatives Lozano and Rojas were not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-169 Traffic Signal Heads

Award to: McCain Traffic Supply
Vista, California
Item (s): #1 thru #4 (all)
Amount: \$45,154.50 (estimated annually)

Department: Street
Funds available: 32010288-503203-01101
14200403-508027-29146-PBE04ST131
14200403-508027-29145-PBE04ST130
Funding source: Public Access Maintenance & Repair & Construction
Total award: \$90,309.00 (estimated)

The Street and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-170 Mast Arm Poles

Award to: Reliapole Solutions, Inc.
Tomball, Texas
Item (s): #1 thru #8 (all)
Amount: \$99,195.00 (estimated annually)

Department: Street
Funds available: 32010288-503203-01101
14200403-508027-29146-PBE04ST131
14200403-508027-29145-PBE04ST130
Funding source: Public Access Maintenance & Repair & Construction
Total award: \$198,390.00 (estimated)

The Street and Purchasing Departments recommend award as indicated to the sole responsive offer meeting specifications, from responsible parties.

Vendor offers the City the option to extend the term of the contract at the same unit prices for one (1) or two (2) years if the option is exercised within one (1) year from the date of the award.

This is a Requirements Type Contract with an initial term of Twenty-Four (24) months.

Representatives Lozano and Rojas were not present for the vote.

.....

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid No. 2005-035 Roger Brown Baseball Park Improvements

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department: Parks and Recreation

Funds Available: 14200401-PBE04PA108-29108-508027
14200403-PBE04ST137-29153-508027

Funding Source: 2004 Bond Issue

Items: Base Bid \$33,000.00
Alternate 1 \$ 3,000.00

Total Award: \$36,000.00

The Departments of Engineering and Parks and Recreation, recommend the award of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-120 Keltner Ave. Parkway Improvements

Contractor: J.A.R. Concrete, Inc.
El Paso, Texas

Department: Street Department

Funds Available: 71150069-G7129CD0024-07786-508027

Funding Source: Community Development Funds
(B-03-MC-48-0015-0024)

Items: Base Bid No. 1 \$203,395.50
Base Bid No. 2 \$ 15,973.00

Total Award: \$219,368.50

RECOMMENDATION:

The Departments of Engineering and Street recommend that Allied Paving Co., the low bidder, be allowed to withdraw their bid without prejudice or forfeiture of their bid security and to award this contract to J.A.R. Concrete, Inc., as they are now the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager be authorized to execute budget transfers for this award and project, as necessary.

1. Lump Sum Component

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

2. Unit Price Component

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-175 Rose Garden Park Addition

Contractor:	CPME, L. L. C. El Paso, Texas
Department:	Parks and Recreation
Funds Available:	14101001-PQLPA150-60150-508027, \$455,373.00 31130600-PQLPA177-60176-504405, \$ 26,500.00
Funding Source:	2000 Quality Of Life Bond
Items:	Base Bid \$468,394.00 Alternate No. 5 \$ 7,866.00 Alternate No. 7 \$ 5,613.00
Total Award:	\$481,873.00

RECOMMENDATION:

The Department of Parks and Recreation and Perspectiva 3/DI recommend the award of this contract to CPME, L. L. C., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to
AWARD Bid Solicitation No. 2005-177 Truck Tractor

Award to:	Westside Trucks, LLC Vinton, Texas
Item (s):	1 - Three (3) Each with Optional Items 1, 3, 6 and 10
Amount:	\$246,399.12 - <u>5,100.00</u> Less Trade-In Allowance \$241,299.12

Department: Solid Waste Management
Funds available: 34340200-508006-40415
Funding source: FY2004 Solid Waste Management Equipment
Total award: \$246,399.12

The Fleet Services, Solid Waste Management, and Purchasing Departments recommend award as indicated as this vendor has provided the low, responsive, responsible bid meeting specifications.

This is a fixed-price, single (one-time) purchase, to purchase three (3) Truck Tractors. There is also an option to purchase up to one hundred percent (100%) of the original contract quantities, at the same unit price, if the option is exercised within one hundred and eighty (180) days from the date of award of the contract. No prompt payment discount is offered.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** budget transfer BT2005-971 AIRPORT

Transfer of funds to cover the cost of promotional expenses for the new golf course.

Increase	\$10,000	to	62620040/40101/502116	Adv&Promo
Decrease	\$10,000	from	62620001/40101/502116	Adv&Promo

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** budget transfer BT2005-989 PARKS AND RECREATION

This budget transfer requests a new appropriation to purchase diving blocks and crowd control devices for the Armijo Aquatics Facility. This will allow this pool to be used for competitive swimming.

Increase	\$12,000	to	51010279/P50020116301/407002	EstRev
Increase	\$12,000	to	51010279/P50020116301/508003	BldgImprvmnts

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Child Crisis Center of El Paso to hold a Father's Day walk on June 18, 2005 from 9:00 a.m. to 11:00 a.m. Route: Jogging path at Eastwood Album Park, located at 3110 Parkwood. Approximately 250 persons will take part and 100 spectators are anticipated. This request includes permission to use amplification (1 microphone and 2 speakers) PERMIT # 05-041 [David Sanchez]

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Sisters of Perpetual Adoration Christ the King to hold a procession on May 29, 2005 from 9:00 a.m. to 10:30 a.m. Route: Start on Magoffin to Cotton, turn left on Cotton to Myrtle, turn left on Myrtle to Newman, turn left on Newman to Magoffin, turn left on Magoffin and finish at the church. Approximately 75 persons will take part and 15 spectators are anticipated. PERMIT # 05-040 [Teresa A Cossio]

Representatives Lozano and Rojas were not present for the vote.

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Far West Texas & Southern New Mexico Regional Advisory Council on Trauma to hold a footrace/walk on May 14, 2005 from 8:00 a.m. to 8:30 a.m. Route: Start at Marwood Park – 4325 River Bend to Turnstone, turn left on Turnstone to Willow Glen, turn right on Willow Glen to Rosinante, cut at median – 809 Rosinante, turn left on Rosinante to Wild Willow, turn left on Wild Willow to Turnstone, turn right on Turnstone to River Bend, turn right on River Bend and finish at Marwood Park. Approximately 150 persons will take part and 50 spectators are anticipated. PERMIT # 05-044 [Mike Coulter]

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Loma Terrace Elementary School to hold a 50th anniversary parade on May 13, 2005 from 9:01 a.m. to 10:30 a.m. Route: Start at Loma Terrace Elementary School – 8200 Ryland Ct to Highland, turn left on Highland to Duskin, turn left on Duskin to Yermoland, turn right on Yermoland to Burgess, turn right on Burgess to Highland, turn right on Highland and finish at school. Approximately 700 persons and 10 vehicles will take part and 200 spectators are anticipated. PERMIT # 05-043 [Pat Lozano]

Representatives Lozano and Rojas were not present for the vote.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Jose R. Sanchez to block off Kyle between 344 – 364 on May 28, 2005 from 4:00 p.m. to 9:00 p.m. and on May 29, 2005 from 9:00 a.m. to 9:00 p.m. for a block party. Approximately 75 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-045 [Jose R Sanchez]

Representatives Lozano and Rojas were not present for the vote.

.....
Motion made by Representative Cobos, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been **INTRODUCED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representative Rojas was not present for the vote.

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III--Parking Prohibited at all times on certain streets), of the El Paso Municipal Code, to add no parking anytime, on both sides of Trawood Drive, between Jack Nicklaus Drive and Estrada Drive. The Penalty being as provided in section 12.84.010 (Violation--Penalty) of the El Paso Municipal Code.
- B. An Ordinance extending the term of the Special Privilege License originally granted by Ordinance #012402 as subsequently amended by Ordinance #012928, such Special Privilege License to extend through May 18, 2015, and also to acknowledge ONEOK Westex Transmission, L.P. as successor in interest to AOG Gas Transmission Company L.P. for all rights and duties set forth in Ordinance #012402, as amended, for the construction, maintenance and use of a natural gas pipeline within a portion of Railroad Drive right-of-way. (Annual Fee: \$1,320.00, SP-95044c)

PUBLIC HEARING WILL BE HELD ON MAY 17, 2005 FOR ITEMS A – B

- C. An Ordinance changing the zoning of Lots 17-20, Block 52, Bassett Addition, El Paso, El Paso County, Texas from [M-1 (Light-Manufacturing) To A-3 (Apartment)]. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: John R. Bruker. ZON05-00008

- D. An Ordinance granting Special Permit No. ZON05-00010, to allow for a parking reduction on the property described as Lots 17-20, Block 52, Bassett Addition, El Paso, El Paso County, Texas, pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: John R. Bruker. ZON05-00010
- E. An Ordinance granting Special Permit No. ZON05-00011, To allow for a parking reduction on the property described as the East 15 ½ feet of Lot 20 and the West 19 feet of Lot 21, Block 32 Franklin Heights Addition, El Paso, El Paso County, Texas, pursuant to section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicants: Elizabeth Valenzuela and Oscar Venegas. ZON05-00011
- F. An Ordinance changing the zoning of a portion of Lot 2, Block 1, Whitfield Unit Two, El Paso, El Paso County, Texas from M-1 (Light Manufacturing) to R-3 (Residential). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: City of El Paso, Texas. ZON03-00078

PUBLIC HEARING WILL BE HELD ON MAY 24, 2005 FOR ITEMS C – F

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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NO ACTION WAS TAKEN regarding City Manager's report of current events and issues:
 Quarterly Financial Report, 2nd Quarter, to Council and preliminary revenue projections for Fiscal Year 2005/2006 and update on the budget process for FY 2006.

Mayor Joe Wardy and Representatives Cushing, Escobar, Austin, Rojas, and Cook commented.

The following City staff members commented:

1. Mr. Bill Studer, Deputy City Manager for Financial and Administrative Services, gave a Powerpoint presentation (on file in the City Clerk's Office)
2. Mr. David Almonte, Director of OMB, gave a Powerpoint presentation (on file in the City Clerk's Office)
3. Ms. Joyce Wilson, City Manager
4. Mr. Daryl Cole, Street Director

.....
 Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to **DIRECT** City staff to study the possibility of adding a portion of Sunset Heights into the area in which possession and consumption of alcohol in open containers is currently prohibited under the Municipal Code, and, if appropriate, to amend 10.12.050 of the Municipal Code to extend the boundaries of the public place prohibition into the Sunset Heights area and **RETURN TO CITY COUNCIL IN SIX WEEKS** with recommendations including an explanation as to any limitations that would prohibit the extension of the boundaries.

Representative Ortega was not present for the vote.

Representatives Cobos and Cushing commented.

The following City staff members commented:

1. Mr. George G. Sarmiento, Director of Planning, Research and Development
2. Ms. Joyce Wilson, City Manager
3. Ms. Lisa Hayes, Assistant City Attorney

.....
RESOLUTION

WHEREAS, nearly 44 million Americans equal to the populations of 24 states do not have health care coverage; and

WHEREAS, eight of ten people who are uninsured are members of working families; and

WHEREAS, there are 8.5 million children in America without health care coverage; and,

WHEREAS, uninsured Americans live sicker and die younger than those who are covered, and suffer needlessly because they go without the health care they need; and,

WHEREAS, with health care costs climbing rapidly, employers and working families in our community are finding it harder to afford coverage.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

The City of El Paso, Texas hereby recognizes the important contributions of El Paso Health Providers to provide access to health care and the improvement of the general quality of life of the Citizens of El Paso, Texas and all citizens are urged to recognize the need to seek solutions to one of America's greatest problems.

Representative Rojas read the above resolution into the record.

Mr. John A. Romero, citizen, commented.

Motion made by Representative Rojas, seconded by Representative Cobos and unanimously carried to **APPROVE** the above Resolution.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE ONE (1) WEEK** the discussion and action regarding Texas Gas Service's proposed adjustment to its base rates pursuant to the Texas Gas Reliability Infrastructure Program.

Representatives Lozano and Rojas were not present for the vote.

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RESOLUTION

WHEREAS, the City Council of the City of El Paso (the "**City**"), by Resolution dated March 12, 2002, determined that the Competitive Sealed Proposal Method, as set forth in Section 252.043(h) of the Local Government Code, is the project method that provides the best value to the City when entering into a contract for the construction of a facility;

WHEREAS, the selection of a construction contractor for the Grandview Park and Pool Improvements, Solicitation No. 2005-159, shall be accomplished through the use of the Competitive Sealed Proposal Method;

WHEREAS, certain procedures must be met under state law when selecting a contractor for construction of a facility through Competitive Sealed Proposal Method;

WHEREAS, the City has followed the required procedures by preparing a request for competitive sealed proposals that includes construction documents, selection criteria used in selecting the successful offeror, estimated budget, project scope, schedule, and other information that contractors may require to respond to the request;

WHEREAS, the City has received, publicly opened, and read aloud the names of the offerors and the prices stated in each proposal and has, no later than the 45th day after the date of opening the proposals, evaluated and ranked each proposal submitted in relation to the published selection criteria;

WHEREAS, the City selects F. T. James Construction, Inc. (the "**Company**") as the Offeror that offers the best value to the City based on the published selection criteria and on its ranking evaluation; and

WHEREAS, the City has successfully negotiated a contract with the Company and has, along with the Architect, discussed with the Company options for a scope or time modification and price change associated with the modification.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso hereby awards Solicitation No. 2005-159 for Grandview Park and Pool Improvements to the Company in the amount of \$522,311.00, as this offeror provides the best value to the City based on the published criteria and on its ranking evaluation;

THAT the City Manager be authorized to sign the contract;

THAT, the City Manager be authorized to execute budget transfers for this award and project as necessary; and

THAT the City Engineer is hereby authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order and 25% of the original contract price as awarded, without further authorization by City Council.

There was no discussion.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the above Resolution.

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*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **POSTPONE TWO (2) WEEKS** Change Order No. Twelve to J.A.R. Concrete, Inc., for Contract No. 2003-199, EPIA Fixed Base Operator Ramp & NASA Apron Reconstruction project. The amount of this change order represents a CREDIT of Six Hundred Five Thousand, Six Hundred Ninety Eight Dollars and Forty Five Cents (\$605,698.45) against the amount bid by J.A.R. Concrete, Inc. for the Scope of Work defined by specification books #1 and #2 and the project drawings as amended. The amount of this credit is per recommendations from the Departments of El Paso International Airport, the Project Manager, Paragon Project Resources, Inc., and Engineering. It is requested that the City Manager be authorized to sign the requested (credit) change to the original contract amount.

Representatives Lozano and Rojas were not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **AWARD** Bid Solicitation No. 2005-174 Unpaved Right-Of-Way, Districts 2 & 8

Contractor: Allied Paving Company
 El Paso TX

Department: Streets

Funds Available: 14200403-PBE04ST137-29153-508027
 14200403-PBE04ST138-29154-508027

Funding Source: 2004 Bond Election (Districts 2 and 8)

Items: Base Bid I \$ 107,110.00
 Base Bid II \$2,314,640.00

Total Award: \$2,421,750.00

RECOMMENDATION:

The Department of Streets recommend the award of this contract to Allied Paving Company, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the Street Director is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the project, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council

This is a requirements type contract. Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representative Ortega asked questions of Mr. Byron Johnson, Director of Purchasing.

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 Motion made by Representative Austin, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-108 Borderland Street & Drainage Improvements Phase III

Representatives Rojas and Cobos were not present for the vote.

Contractor: Southwest Growth Corporation
 El Paso TX

Department: Streets

Funds Available: 71150069-G7128CD0008-07784-508027

Funding Source: Community Development

Items: Base Bid I \$613,575.74
 Base Bid II \$ 94,547.00
 Base Bid III \$ 31,645.00

Total Award: \$739,767.74 (Estimated)

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Southwest Growth Corporation, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

There was no discussion.

.....
Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to **AWARD** Bid Solicitation No. 2005-135 Montwood Street and Drainage Improvements

Representatives Rojas and Cobos were not present for the vote.

Contractor:	C. F. Jordan, L. P. El Paso TX
Department:	Streets
Funds Available:	14200403-PBE04ST119-29135-508027 (District 7) 14200403-PBE04ST119-29134-508027 (District 5)
Funding Source:	2004 Bond Election
Items:	Base Bid I \$1,266,208.00 Base Bid II \$ 386,020.00 Base Bid III \$ 43,750.00
Total Award:	\$1,695,978.00 (Estimated)

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to C. F. Jordan, L. P., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

There was no discussion.

.....
Motion made by Representative Cushing, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-124 Alabama Street & Drainage Improvements

Representatives Rojas and Cobos were not present for the vote.

Contractor:	J. A. R. Concrete, Inc. El Paso TX
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Department: Streets
 Funds Available: 14200403-PBE04ST102-29116-508027
 Funding Source: 2004 Bond Election
 Items: Base Bid I \$1,446,035.70
 Base Bid II \$ 274,820.00
 Total Award: \$1,720,855.70 (Estimated)

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to J. A. R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

Representative Cushing asked questions of Mr. Daryl Cole, Street Director.

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 Motion made by Representative Escobar, seconded by Representative Ortega and unanimously carried to **AWARD** Bid Solicitation No. 2005-092 Ranchos Del Sol Park Improvements

Representatives Rojas and Cobos were not present for the vote.

Contractor: VEMAC, L. P.
 El Paso, Texas

Department: Parks and Recreation
 Funds Available: 14200401-PBE04PA107-29107-508027 \$1,073,743.89
 51159242-P518000119-16093-508004 \$ 6,714.00
 31130600-PQLPA177-60176-504405 \$ 59,000.00
 Funding Source: 2004 Bond Issue
 Items: Base Bid \$1,139,457.89
 Total Award: \$1,139,457.89

RECOMMENDATION:

The Departments of Engineering and Parks and Recreation recommend the award of this contract to VEMAC, L. P., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 25% of the original contract price as awarded, without further authorization by City Council.

Representative Escobar asked questions of Mr. Byron Johnson, Director of Purchasing.

.....

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to award Bid Solicitation No. 2005-152 Citywide Repair or Construction of Parkway Structures 2005-2006

Representatives Escobar, Rojas and Cobos were not present for the vote.

Contractor:	J.A.R. Concrete, Inc. El Paso, Texas
Department:	Streets
Funds Available:	32010200-01101-502227 71150069-G7129CD0038-07809-508027
Funding Source:	Streets General Funds(\$1,176,883.75) Community Development (\$ 650,000.00)
Items:	Base Bid I \$1,356,550.00 Base Bid II \$ 470,333.75
Total Award:	\$1,826,883.75 (Estimated)

RECOMMENDATION:

The Department of Streets recommend the award of this contract to J.A.R. Concrete, Inc., the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

This is a twenty-four (24) month requirements contract. Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

There was no discussion.

.....
Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to award Bid Solicitation No. 2005-058 Magoffin-San Antonio Street Improvements

Representatives Escobar, Rojas and Cobos were not present for the vote.

Contractor:	Southwest Growth Corporation El Paso TX
Department:	Streets
Funds Available:	31255002-PPW0035007-27705-508027 31250102-PPW0035007-27188-508027
Funding Source:	Texas Department of Transportation (80% Reimbursement) FY 2000 Certificates of Obligation (20%)
Items:	Base Bid I \$1,359,875.60 Base Bid IA \$ 2,000.00
Total Award:	\$1,361,875.60 (Estimated)

RECOMMENDATION:

The Departments of Engineering and Streets recommend the award of this contract to Southwest Growth Corporation, the low responsible, responsive bidder. It is requested that the City Manager of the City of El Paso be authorized to sign the referenced contract. Additionally, it is requested that the City Manager and Staff be authorized to execute budget transfers for this award and project, as necessary.

Work under the unit price component is only an estimated value and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

This bid award is *conditioned* subject to the Metropolitan Planning Organization's (MPO) Transportation Policy Board approval of the expenditure of additional funds of \$132,223 above the amount previously approved by the Transportation Policy Board. If funding is not approved then the City Council must reconsider this item again for action within forty-five (45) days.

ORDINANCE 16036

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO TROPICANA DEVELOPMENT INC., LAND TOTALING APPROXIMATELY 117.5 ACRES OF LAND OUT OF SECTIONS 21 & 22, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO.**

Representatives Cook, Cushing, Austin, Escobar, Ortega and Lozano commented.

The following City staff members commented:

1. Mr. Nick Costanzo, Assistant General Manager, El Paso Water Utilities Public Service Board
2. Mr. Rudy Valdez, Chief Urban Planner
3. Mr. Joe Lares, El Paso Water Utilities Public Service Board
4. Mr. George G. Sarmiento, Director of Planning, Research and Development
5. Ms. Lisa A. Elizondo, City Attorney
6. Ms. Joyce Wilson, City Manager
7. Ms. Terri Cullen-Garney, Deputy City Attorney
8. Mr. Robert Andron, General Counsel, El Paso Water Utilities Public Service Board

The following members of the public commented:

1. Mr. Ray Gilbert
2. Mr. Conrad Conde, EPT Land Assets LP representative

The City Clerk called for further public comment. There was no further public comment.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **AMEND** the Ordinance language, specifically Paragraph 5, as follows:

As a condition to the sale of the Property, the Grantee covenants that the development of the property shall be primarily for single-family or multi-family dwelling and neighborhood support services. Neighborhood Support Services are defined as C-1 uses as defined by Title 20 (Zoning) of the El Paso Municipal Code, with the exclusion of Section 20.36.020 (C-1 Commercial District - Permitted Uses) numbers (15), (25), (31), (32), (33) (36, (40) and

(43), and the C-1 usage is restricted to 5% of the total acreage within each Parcel A, B, C, and D, as each parcel may be eligible for rezoning consistent with these provisions.

The amendment is subject to the grantee's acceptance.

Representative Cobos was not present for the vote.

2ND AND FINAL MOTION:

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

.....
ORDINANCE 16037

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO TROPICANA DEVELOPMENT INC., LAND TOTALING APPROXIMATELY 120.7 ACRES OF LAND OUT OF SECTION 22, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO.**

See Ordinance 16036 for discussion.

The City Clerk called for further public comment. There was no further public comment.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **AMEND** the Ordinance language, specifically Paragraph 5, as follows:

As a condition to the sale of the Property, the Grantee covenants that the development of the property shall be primarily for single-family or multi-family dwelling and neighborhood support services. Neighborhood Support Services are defined as C-1 uses as defined by Title 20 (Zoning) of the El Paso Municipal Code, with the exclusion of Section 20.36.020 (C-1 Commercial District - Permitted Uses) numbers (15), (25), (31), (32), (33) (36, (40) and (43), and the C-1 usage is restricted to 5% of the total acreage within each Parcel A, B, C, and D, as each parcel may be eligible for rezoning consistent with these provisions.

The amendment is subject to the grantee's acceptance.

Representative Cobos was not present for the vote.

2ND AND FINAL MOTION:

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas

NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

.....
ORDINANCE 16038

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO EPT LAND ASSETS, LP, LAND TOTALING APPROXIMATELY 122.2 ACRES OF LAND OUT OF SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO.**

See Ordinance 16036 for discussion.

The City Clerk called for further public comment. There was no further public comment.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **AMEND** the Ordinance language, specifically Paragraph 5, as follows:

As a condition to the sale of the Property, the Grantee covenants that the development of the property shall be primarily for single-family or multi-family dwelling and neighborhood support services. Neighborhood Support Services are defined as C-1 uses as defined by Title 20 (Zoning) of the El Paso Municipal Code, with the exclusion of Section 20.36.020 (C-1 Commercial District - Permitted Uses) numbers (15), (25), (31), (32), (33) (36, (40) and (43), and the C-1 usage is restricted to 5% of the total acreage within each Parcel A, B, C, and D, as each parcel may be eligible for rezoning consistent with these provisions.

Representative Cobos was not present for the vote.

2ND AND FINAL MOTION:

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

The City Clerk called for further public comment. There was no further public comment.

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

ORDINANCE 16039

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE CITY MANAGER TO SIGN A SPECIAL WARRANTY DEED CONVEYING TO EPT LAND ASSETS, LP, LAND TOTALING APPROXIMATELY 100.5 ACRES OF LAND OUT OF SECTION 21, BLOCK 81, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS, LOCATED IN NORTHEAST EL PASO.**

See Ordinance 16036 for discussion.

The City Clerk called for further public comment. There was no further public comment.

1ST MOTION:

Motion made by Representative Cook, seconded by Representative Rojas and unanimously carried to **AMEND** the Ordinance language, specifically Paragraph 5, as follows:

As a condition to the sale of the Property, the Grantee covenants that the development of the property shall be primarily for single-family or multi-family dwelling and neighborhood support services. Neighborhood Support Services are defined as C-1 uses as defined by Title 20 (Zoning) of the El Paso Municipal Code, with the exclusion of Section 20.36.020 (C-1 Commercial District - Permitted Uses) numbers (15), (25), (31), (32), (33) (36, (40) and (43), and the C-1 usage is restricted to 5% of the total acreage within each Parcel A, B, C, and D, as each parcel may be eligible for rezoning consistent with these provisions.

Representative Cobos was not present for the vote.

2ND AND FINAL MOTION:

Motion duly made by Representative Cook, seconded by Representative Rojas, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

The City Clerk called for further public comment. There was no further public comment.

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas

NAYS: None Absent: None

NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

ORDINANCE 16040

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 2.30 (BUILDING BOARD OF APPEALS), SECTION 2.30.060 (POWERS) TO ADD THE OUTDOOR LIGHTING ORDINANCE (CHAPTER 18.18) TO THE LIST OF ORDINANCES WHICH THE BUILDING BOARD OF APPEALS IS AUTHORIZED TO GRANT VARIANCES AND HEAR APPEALS OVER.**

Mr. Alan Shubert, Director of Building Permits and Inspections, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook and Ortega
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Members Escobar, Rojas and Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16041

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 18 (BUILDING AND CONSTRUCTION) OF THE EL PASO MUNICIPAL CODE, CHAPTER 18.18 (OUTDOOR LIGHTING ORDINANCE), BY ADDING SECTION 18.18.375 (HISTORIC PROPERTIES) TO EXEMPT CERTAIN HISTORIC PROPERTIES FROM REQUIRED COMPLIANCE WITH THE OUTDOOR LIGHTING ORDINANCE. THE PENALTY IS AS PROVIDED IN SECTION 18.02.107 OF THE EL PASO CITY CODE.**

There was no discussion.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, and Ortega
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Members Escobar, Rojas and Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
*Motion made by Representative Cobos, seconded by Representatives Cushing and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representatives Cushing and unanimously carried to **POSTPONE FOUR (4) WEEKS** an Ordinance an Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.

Representatives Lozano and Rojas were not present for the vote.
.....

ORDINANCE 16042

The City Clerk read an Ordinance entitled: **AN ORDINANCE TO AMEND TITLE 19 (SUBDIVISIONS) OF THE EL PASO MUNICIPAL CODE, CHAPTER 19.16 (IMPROVEMENT STANDARDS AND DESIGN PRINCIPLES), SECTION 19.16.030 (STREET LIGHTING) TO ENSURE CONSISTENCY WITH THE OUTDOOR LIGHTING ORDINANCE, TO AMEND SECTION 8 (STREET LIGHTING) OF APPENDIX A TO TITLE 19 TO PROVIDE THAT LIGHTING STANDARDS SHALL BE AS ON FILE WITH THE CITY ENGINEER, AND TO AMEND CHAPTER 19.04 (GENERAL PROVISIONS) SECTION 19.04.100 (SUBDIVISION IMPROVEMENT DESIGN STANDARDS) TO ELIMINATE CONFLICT WITH THE PROPOSED AMENDMENT TO SECTION 8 OF APPENDIX A OF TITLE 19. THE PENALTY IS AS PROVIDED IN 19.04.190 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rick Conner, City Engineer, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cushing, seconded by Representative Escobar, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar and Rojas
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **POSTPONE TWO (2) WEEKS** an Ordinance amending Ordinance 8065, Civil Service Rules and Regulations, Rule 1, Civil Service Commission, Section 10, Commission Recorder, to clarify disciplinary procedures.

Representative Cushing commented.

The following City staff members commented:

1. Ms. Joyce Wilson, City Manager
2. Ms. Terry A. Bond, Director of Human Resources
3. Ms. Lisa A. Elizondo, City Attorney

Mr. Bill Ellis, Vice-Chairman of the Civil Service Commission, commented.

.....
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to **POSTPONE THREE (3) WEEKS** an Ordinance incorporating the El Paso Water Utilities Public Service Board Westside Master Plan as a specific study area plan into the city's comprehensive plan, *The Plan for El Paso*, and which plan shall amend the *Plan For El Paso* and the Year 2025 General Land Use Map incorporated therein; and to direct staff to work with the El Paso Water Utilities Public Service Board to incorporate the changes shown into the Consolidated Plan and to come back to the Council in three (3) weeks. (email on file in the City Clerk's Office)

Representatives Austin and Cook commented.

Representative Austin requested that an email be made part of the record and a part of the motion.

Mr. George G. Sarmiento, Director of Planning, Research and Development, commented.

.....
ORDINANCE 16043

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY ADDING A DEFINED USE AT SECTION 20.02.078 (ANIMAL CREMATORY) AND AMENDING SECTIONS 20.10.040, 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN R-F, C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS; AND BY ADDING A DEFINED USE AT SECTION 20.02.258 (CREMATORY) AND AMENDING SECTIONS 20.40.040 & 20.42.040 (USES PERMITTED BY SPECIAL PERMIT) TO PROVIDE THAT SUCH USE BE PERMITTED BY SPECIAL PERMIT IN C-3 AND C-4 ZONING DISTRICT CLASSIFICATIONS. THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.**

Representatives Rojas, Cushing and Cook commented.

The following City staff members commented:

1. Ms. Kim Forsyth, Urban Planner, noted that the Planning, Research and Development Department had not received any opposition to the Ordinance language.
2. Mr. Rudy Valdez, Chief Urban Planner, noted that the CPC (City Plan Commission) had requested restricting C-2 from the ordinance language; however, the DCC (Development Coordinating Committee) and BZAC (Building and Zoning Advisory Committee) had recommended the inclusion of C-2. He noted that the CPC had voted unanimously to restrict C-2 from the Ordinance.

The City Clerk called for public comment. There was no public comment.

1ST MOTION:

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **APPROVE** the Ordinance as posted on the agenda.

Representative Cobos was not present for the vote.

2ND MOTION:

Motion made by Representative Cushing, seconded by Representative Rojas and unanimously carried to **RECONSIDER** the Ordinance as posted on the agenda.

Representative Cobos was not present for the vote.

3RD MOTION:

Motion made by Representative Cushing, seconded by Representative Rojas and carried to **AMEND** the Ordinance language to restrict the uses permitted by the Special Permit to C-3, C-4 and R-F Zoning District Classifications.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar and Rojas

NAY: Representative Cook

NOT PRESENT FOR THE VOTE: Representative Cobos

4TH AND FINAL MOTION:

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be **ADOPTED, AS AMENDED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED, AS AMENDED**.

.....
ORDINANCE 16044

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00009, TO ALLOW FOR A PARKING REDUCTION ON THE PROPERTY DESCRIBED AS THE SOUTHERLY 61.10 FEET OF LOT 16 AND THE EASTERLY ½ OF LOT 15, BLOCK 13, COTTON ADDITION, EL PASO, EL PASO COUNTY, TEXAS, PURSUANT TO SECTION 20.64.175 OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Mr. Rudy Valdez, Chief Urban Planner, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, and Rojas
NAYS: None Absent: None
NOT PRESENT FOR THE VOTE: Council Member Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
ORDINANCE 16045

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING SPECIAL PERMIT NO. ZON05-00012, TO ALLOW FOR A NINE-TANK GASOLINE, DIESEL, AND JET FUEL STORAGE FACILITY AND PIPELINE TRANSFER STATION ON A PORTION OF TRACT 5D, SECTION 21, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS AND A PORTION OF TRACT 1, SECTION 28, BLOCK 80, TOWNSHIP 1, TEXAS AND PACIFIC RAILWAY COMPANY SURVEYS, EL PASO, EL PASO COUNTY, TEXAS PURSUANT TO SECTION 20.46.040.F OF THE EL PASO MUNICIPAL CODE. THE PENALTY BEING AS PROVIDED IN CHAPTER 20.68 OF THE EL PASO MUNICIPAL CODE.**

Representatives Cook and Austin commented.

The following City staff members commented:

1. Mr. Fred Lopez, Planner II, stated that the Planning, Research and Development Department had received one letter in opposition and added that the DCC (Development Coordinating Committee), CPC (City Plan Commission) and City Council could request an engineer's report describing the process or use and the probable impact thereof at property lines, as per El Paso Municipal Code Section 20.46.040(F).
2. Mr. Alan Shubert, Director of Building Permits and Inspections
3. Assistant Fire Chief Manny Chavira
4. Mr. Matt Watson, Assistant City Attorney

Mr. Dave Corman, Director of Project Permitting, Kinder Morgan Energy Partners, gave a Powerpoint presentation. (presentation on file in the City Clerk's Office)

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Cook, seconded by Representative Ortega, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Cushing, Lozano, Cook, Ortega, and Escobar
NAY: Council Member Austin Absent: None
NOT PRESENT FOR THE VOTE: Council Members Rojas and Cobos

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

.....
Representative Cushing moved to **RECONSIDER** the five (5) week postponement of an Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Texas M, LLC. ZON05-00007, that had been postponed with the consent agenda. Representative Escobar seconded.

Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **POSTPONE TWO (2) WEEKS** an Ordinance changing the zoning of a portion of Lot 4, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-3 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Texas M, LLC. ZON05-00007

Representatives Ortega, Rojas and Cobos were not present for the vote.

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried to **POSTPONE TWO (2) WEEKS** an Ordinance changing the zoning of portion of Lot 1, Block 160, Vista Del Sol Unit 54, El Paso, El Paso County, Texas from P-I (Planned Industrial) to C-4 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Jose R. and Kathryn Cordero. ZON05-00013

Representatives Ortega, Rojas and Cobos were not present for the vote.
.....

*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Bonnie Gonzales to the Foster Grandparent Program Advisory Council by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Charlie Bombach to the Building and Standards Commission by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPOINT** Luther Jones to the Building and Standards Commission by Representative Robert A. Cushing, Jr., District 2.

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **AUTHORIZE** to transfer \$3,000 from District #8 discretionary funds to Street Department for the purchase and installation of a water meter for use in the "Chihuahueta Community Garden," located on the property known as Block B, Santa Fe Addition to the City of El Paso and a portion of Lot 12, Block D, Santa Fe Addition to the City of El Paso, upon the execution of an agreement between the Chihuahueta Neighborhood Association and the City of El Paso regarding said garden. ID#01153012, Acct# 504420, Project# PD80429, Fund #16508, Class #01001

Representatives Lozano and Rojas were not present for the vote.

.....
*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **DELETE** the request for the amount of \$1,195.00 be allocated from District #2 Discretionary Funds to purchase the bronze marker for the Pollard Street Veteran's Memorial through Roy Lown's for the District #2 Office. Funds are to be allocated from Dept. I.D. #01153003; Acct. #504420; Project #PD20423; Fund #16502; Class #01001.

Representatives Lozano and Rojas were not present for the vote.

.....
Motion made by Representative Cook, seconded by Representative Lozano and unanimously carried that the City Council **RETIRE** into **EXECUTIVE SESSION** at 1:47 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following:

Representative Cobos was not present for the vote.

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES
Section 551.087	DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Discussion and action on the following:

- A. Discussion and action on pending claim of the City of El Paso against Anna Laura Jacquez. (551.071)
- B. *Jacob Paz v. James O'Connor, et al*; Cause No. EP-05-CA-0101-FM in the United States District Court for the Western District of Texas. (551.071)

Motion made by Representative Austin, seconded by Representative Escobar and unanimously carried to **ADJOURN** the Executive Session and reconvene the meeting of the City Council at 1:52 p.m., during which time motions were made.

Representatives Lozano and Cobos were not present for the vote.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney's Office be authorized to **PROCEED AS RECOMMENDED** by the City Attorney's Office in the pending claim of the City of El Paso v. Anna Laura Jacquez.

Representatives Lozano and Cobos were not present for the vote.

.....
Motion made by Representative Escobar, seconded by Representative Cushing and unanimously carried that the City Attorney be authorized to **NEGOTIATE AND SIGN RETENTION AGREEMENTS WITH OUTSIDE COUNSEL** for the representation of Carlos Leon in the lawsuit styled *Jacob Paz vs. The City of El Paso, et. al.*, Cause No. EP-05-CA-0101-FM in the United States District Court for the Western District of Texas

Representatives Lozano and Cobos were not present for the vote.

.....
Motion made by Representative Ortega, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 1:54 p.m.
.....

APPROVED AS TO CONTENT:

Richarda Duffy Momsen, City Clerk